

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO BE KNOWN AS THE OPEN SPACE BOND RESOLUTION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY CRITERIA FOR THE SELECTION FOR ACQUISITION OF LAND; PROVIDING FOR SELECTION OF PROPERTIES FOR FUNDING OF PARK IMPROVEMENTS; PROVIDING FOR RECREATION MANAGEMENT GOALS FOR THE ACQUIRED LANDS; PROVIDING FOR THE ESTABLISHMENT OF PREFERENCES FOR THE EXPENDITURE OF BOND FUNDS FOR THE ACQUISITION OF LANDS AND IMPROVEMENT OF PARKS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie submitted to the residents of Davie, by referendum on September 29, 2005, a measure authorizing the issuance of general obligation "Open Space" bonds to protect the quality of water bodies, preserve and improve wildlife habitat and parks, complete the recreational trails system, and protect natural lands from development; and

WHEREAS, the vote of the residents of Davie passed this measure by a margin of 60.49 to 39.51 percent; and

WHEREAS, Ordinance No. 2005-9 requires even distribution of bond monies among each of the Town's districts and annual public audit of bond monies; and

WHEREAS, Resolution No. 288 adopted by the Town Council on November 16, 2005 established a special task force comprised of members of the Open Space Advisory Committee, Parks and Recreation Advisory Board, Davie Water and Environmental Advisory Board, and Davie Area Land Trust to develop specified procedures and criteria for expenditure of all monies generated by the issuance of the general obligation bonds; and

WHEREAS, public hearings have been held by the special task force to discuss the procedures and criteria, and recommendations from the public have been considered and included in the criteria to the degree practicable

WHEREAS, the results of the special task force have been formulated into a recommendation to the Town Council and are hereby incorporated into this resolution; and, NOW, THEREFORE,

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

**Section 1.** This Resolution shall be known as the 2005 Town of Davie Open Space Bond Resolution.

**Section 2.** The Town Council (Council) wishes to establish procedures and criteria to protect the quality of water bodies, preserve and improve wildlife habitat and parks, complete the recreational trails system, and protect natural lands from development; and to define development and management goals for the acquired lands.

**Section 3. Definitions.**

Abutting: Site that has a common boundary or edge with another site.

Accessibility: The characteristics and location of a site that make it easy to reach and be used by the public.

Acquisition/purchase: The act of obtaining real property or interests and rights therein by various legal means.

Adjacent: Site that is lying beside or next to another site.

Agricultural Site: Land used for the production of plants and animals useful to humans, including but not limited to aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, the cultivation of crops, groves, thoroughbred and pleasure horse ranches, including but not limited to horse boarding, private game preserves, fish breeding areas, tree and plant nurseries, and cattle ranches.

Archaeological: Site currently listed on or meets the criteria of the State of Florida master archaeological site file.

Connector: Land which links two or more existing open spaces, parks, trails, or greenways.

Conservation Easements: Restriction(s) of land use granted by the owner of fee-title which legally binds present and future owners that are conveyed for less than fee interest, normally with the same restriction(s), to a conservation organization, trust or governmental agency, as more fully set forth in Section 704.06, Florida Statutes, as amended.

Council: The Town Council of the Town of Davie.

Davie Area Land Trust: A community based, not-for-profit membership organization working to preserve the open space, agricultural land, wildlife habitat, scenic preserves, and properties that reflect Davie and the surrounding areas' agricultural and rural past.

Development Demand: Degree of pressure to build on a particular property, supported by zoning, status of surrounding properties, pending development permits, or lease/sale agreements.

Diversity: The presence of a wide variety of plant and/or animal species.

Drainage: The natural or artificial removal of surface or sub-surface water.

Due Diligence: Investigation and review of property prior to protection, including without limitation, independently conducted appraisals, title searches and commitments, surveys, environmental assessments, and any other items deemed necessary by Town staff.

Equestrian Trail: An unpaved pathway designed for use by horseback riders.

Erosion Control: Prevention of the displacement of soil by wind or water events.

Financial Criteria: Eligibility criteria set forth in the Open Space Acquisition Matrix emphasizing the monetary and fiscal aspects of the site selection process to include affordability of purchase, existing development demand, and opportunities for gaining matching monies.

Flood Storage: Capture and retention of water.

Geological Site: Land that contains a naturally occurring and distinct physical feature related to its mineral and rock composition.

Geographical Criteria: Eligibility criteria set forth in the Open Space Acquisition Matrix emphasizing location-related aspects of the site to include accessibility, recreational trail connectivity, and educational opportunities.

Greenways: Land linear in shape protected and managed as part of linked natural or recreation lands. Greenways may protect the habitat of native plants and wildlife, maintain wildlife movement routes and natural connections, or provide opportunities for outdoor recreation.

Historical: A characteristic of a site that reflects significant past events or cultural heritage.

Inventory: List of lands which meet the eligibility criteria of the Open Space Acquisition Matrix set forth in this Resolution.

Matching Monies: Grants or other financial opportunities by which or through which the Town can leverage bond funds for land acquisition or site development.

Native Vegetative Community: A natural community that is dominated by native plant species and is structured as a natural community type described in the Florida Natural Land Inventory publication, "Guide to the Natural Communities of Florida."

Natural Land: Undeveloped land specifically containing or being managed to maintain or restore natural resource values.

Open Space: Undeveloped land within the urban area of Town of Davie where the native vegetative community has been cleared or replaced; or agricultural land such as row crops, nurseries, groves, or pasture, or, solely for the purpose of this Resolution, developed land selected for acquisition to be reclaimed to open space in perpetuity.

Open Space Acquisition Matrix: The spreadsheet of eligibility criteria, program goals, and point values created by the special task force to assist the Town Council in the ranking of sites considered for acquisition with Open Space Bond funds.

Open Space Advisory Committee: A citizen based advisory board appointed by the Town Council to advise the Town Council and Town Administrator on the future planning of the Open Space program.

Parcel – A piece of land as delineated by the Broward County Property Appraiser's office by folio number.

Park Improvement: Any facility which enables the management of a natural land, open space or park land, including but not limited to: parking space, restrooms, entrance, information center, fences, walkways, boardwalks, maintenance facilities, and other facilities to enable and favor the educational and recreational use of the land.

Park Land: Land being considered for acquisition for regional and neighborhood recreational purposes.

Parks and Recreation Advisory Board: A citizen based advisory board appointed by the Town Council to advise the Town Council and Town Administrator on the development, operation, and maintenance of all parks, playgrounds, and other recreational facilities of the Town.

Passive Recreation: Recreation activities that generally take place in an undeveloped space or environmentally sensitive area that requires minimal development of facilities.

Physical Attributes: Eligibility criteria set forth in the Open Space Acquisition Matrix which emphasizes aspects of the site selection process to include the presence of native vegetative communities, significant water bodies, water recharge potential, cultural resources, and agricultural use.

Pristine: Characteristic of land that remains in its original condition.

Property(ies): One or more contiguous parcels of land to be considered as a single unit.

Purchase of Development Rights: The process by which a landowner voluntarily sells his or her rights to develop a parcel of land to a public agency or a charitable organization charged with the preservation of land. The landowner retains all other ownership rights attached to the land, and a conservation easement is placed on the land and recorded on the title.

Rare: Not widely known; especially valued for its uncommonness

Recreational Trail: A designated multiple use pathway, physically separated from motorized vehicular traffic by an open space or barrier, located either within a right-of-way, easement, or park and usable for pedestrians, bicyclists, skaters, equestrians and other non-motorized users.

Scenic Vista: A landscape pattern or feature which can be visually or aesthetically defined.

Schools: Public and private education facilities.

Significant: A distinguishing characteristic of a property either in terms of size or importance.

Trailhead: A gathering point along a recreational or equestrian trail which may include, but is not limited to, corrals, rest rooms, sign posts, distribution centers for informational brochures about the trail and its features, parking areas for vehicles and trailers.

Town: Town of Davie, Broward County, Florida.

Town Parks: Parks and natural areas owned or leased by the Town of Davie and managed by the Davie Parks and Recreation Division.

Water and Environmental Advisory Board: A citizen based advisory board appointed by the Town Council to advise the Town Council and Town Administrator on matters of water quality and service levels affecting the preservation and protection of the environment, the Town's natural resources and its wildlife.

Water Bodies: Lakes, ponds, canals, and wetlands.

Water Recharge: Water added to an aquifer. For instance, rainfall that seeps into the ground.

Wellfield Zone: A tract of land which contains a number of existing or proposed wells for supplying water as specified in the wellfield protection maps, as amended, approved by the Broward County Board of Commissioners

Zone 1 – the land area situated between the well(s) and the ten-day travel time contour.

Zone 2 - the land area situated between ten-day and thirty- day travel time contour.

Zone 3 - the land area situated between ten-day and 210- day travel time contours, or the thirty-day and the one-foot drawdown contours, whichever is greater.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wildlife Corridor: A stretch of natural or undeveloped land that facilitates the migration of animals.

Wildlife Habitat: land containing food, water, cover, and physical environment to meet the biological needs of undomesticated species of animals.

Willing Seller: The owner of real property who desires to sell his/her property to the Town of Davie through the Open Space Bond program who is unencumbered by undue pressure to sell and is acting on his/her own best interest.

**Section 4.** The Goals of the Open Space Bond as stated are to:

- Protect the quality of water bodies;
- Preserve and protect natural areas and wildlife habitat from development;
- Complete the recreational trail system; and
- Preserve and improve passive recreational parks.

**Section 5.** Eligibility Criteria and Process For The Selection For Acquisition Of Open Space Properties.

5.01. For a site to be considered for acquisition, it must meet at least one of the criteria of the Open Space Acquisition Matrix (Appendix A) that achieves one of the aforementioned goals listed in Section 4.

The Open Space Acquisition Matrix was developed to provide a mechanism by which properties being considered for acquisition could be ranked and prioritized. Seventeen criteria were selected to ensure that those properties to be considered achieved the goals of the bond referendum. These criteria were determined to serve as appropriate measures of a site's potential and desirability for acquisition. These criteria were divided into three categories: Geographical (five criteria); Financial (four criteria); and Physical (eight criteria).

Although the criteria were determined to be appropriate to apply to the qualities of a property, the criteria were not considered to be of equal importance. A point value was assigned to each criterion to give it a relative weighted value. Should a property being rated meet a specific criterion, it would achieve the weighted value for that section of the matrix.

a. Geographical Criteria:

- **Property provides a connector between existing park, open space, trails and greenways (3 points);**  
*The property will serve to connect existing parks, open space sites, trails, or greenways*
- **Property is beyond 0.5 mile radius from existing park or open space (3 points);**  
*The property must be located beyond a 0.5 mile radius of the parcels composing an existing park or open space site.*
- **Property has a scenic vista (2 points);**  
*The property has a scenic vista per the definition in Section 3.*
- **Property is adjacent to other open space, parks, schools, trails, and greenways (2 points);**  
*The property is adjacent to open space, parks, schools, trail and greenways. A property is considered adjacent if the properties abut one another or are separated by easement or right-of-way.*
- **Property can serve as a trailhead for existing or proposed trail system. (2 points)**  
*To consider a property as a trailhead, there must be an established geographical need at the property location.*

b. Financial Criteria:

- **Property with a willing seller (3 points);**  
*The Town of Davie has received a signed willing seller letter from the property owner(s).*
- **Property which may qualify for matching funds (3 points);**  
*For a property to be considered under this criteria, the property must meet the requirements of a grant program. Grant programs include Broward County Land Preservation, Florida Communities Trust (FCT), Florida Recreation Development Assistance Program (FRDAP), Florida Recreational Trails Program, etc.*
- **Agricultural Site available for purchase of development rights (3 points);**  
*The property must be an agricultural site as defined in Section 3. The property owner must provide a letter stating that they would be willing to sell in the development rights in lieu of a fee simple purchase.*

- **Existing development demand for property. (1 point)**

*The property's existing development demand will be determined by whether the site has a plat application under review, has an approved plat or other extenuating circumstance that indicates development demand.*

- c. Physical Criteria:

- **Property with a wildlife habitat and/or corridor (3 points);**

*The property that must contain food, water, cover, and physical environment to meet the biological needs of undomesticated species of animals. Furthermore, the presence of wildlife must be verified on the site.*

- **Property containing or abutting a significant water body or significant wetlands (3 points);**

*The property has or abuts a significant lake, pond, canal, or wetlands.*

- **Property provides natural drainage, flood storage, erosion control and/or water recharge (3 points);**

*The property must be 5 acres or larger to provide natural drainage, flood storage, erosion control, and/or water recharge.*

- **Property containing a significant native vegetative community or a diversity of vegetative communities, unique native or historical plant species (3 points);**

*The property contains a native community as determined in the Florida Natural Land Inventory publication, "Guide to the Natural Communities of Florida." The property contains a diverse vegetative community or unique native or historical plant species as determined by property site visitation.*

- **Property's existing condition is pristine (3 points);**

*The property is considered to be in its original condition.*

- **Property is 10 acres or larger in size (2 points);**

*The property's square acreage is larger than 10 acres as determined by adding the square acreages of all property parcels.*

- **Property with historical/archaeological/geologic sites/educational opportunities (2 points);**

*The property meets the criteria of the State of Florida Master site file, has been determined by the committee to have a historical or geologic significance, or a site that could be used for educational purposes.*

- **Property within a wellfield zone. (1 point)**

*The property must be located in a wellfield zone as determined on the Broward County wellfield protection map.*



### *5.02 Submittal of Prospective Properties*

- A. Town administrator will designate staff to compile a preliminary vacant land inventory by councilmember district.
- B. Staff will compile a list of property proposals from council, organizations, and individuals to include in the Inventory.
- C. Staff will forward property proposals to Open Space Advisory Committee (OSAC) with appropriate back-up data.

### *5.03 Ranking and Prioritization of Inventory Properties.*

The Open Space Advisory Committee (OSAC) will rate each property using the eligibility criteria in the Open Space Acquisition Matrix. Based upon information provided by staff and the committee members' knowledge of the property, each property will be reviewed to determine if it meets each individual criterion. Information to be utilized to make each determination may include, but is not limited to, aerial photographs, site specific photographs, property appraiser's information, real estate listings, and any additional information provided by the Town staff or entity proposing the property for consideration.

The name of the property to be rated pursuant to the Matrix will be placed in a new column to the right of the POINT VALUE column. If the OSAC members agree that the property meets the specific criterion, the appropriate point value will be placed in the cell where the property name and criterion intersect. If the property does not meet the specific criterion, a zero (0) will be placed in the above referenced cell. After the property is rated for each criterion, the point values assigned for the property will be totaled. The property will then be ranked along with other properties by their relative point values.

Priority will be given to those properties which rank highest according to the eligibility criteria with due consideration for the property's location within the different councilmember districts. In addition to the eligibility criteria ranking for a property, the feasibility of property development must be considered. Property development feasibility will consider: property accessibility; property configuration; limitations created due to the presence of endangered plant or animal species, wetlands, existing structures, or cultural resources; and/or restrictive easements. Recommendations for acquisition will be submitted to the Council for public hearing review and approval. This approval will authorize the initiation of the due diligence process.

## **Section 6. Eligibility Criteria For The Selection For Park Improvements.**

*6.01. Property eligible for Park Improvements.* Consideration may be given to existing Town Parks or those acquired through this Bond program. Bond funding may not replace funding for property amenities currently funded within the five-year capital improvements program.

6.02. *Selection of the Park Improvements.*

a. Existing Parks - selection of funding for improvement of existing properties will be consistent with the approved master site plans. Prioritization of properties for funding should additionally consider the requirements of grant funding agencies (Florida Communities Trust, Broward County Bond Program, etc.) for those properties subject to such funding to ensure compliance with property improvement timeframes.

b. Bond-Acquired Parks - selection of funding for development of bond-acquired properties will be consistent with the intended use of the park. Funds should be distributed in a manner to ensure that each bond-acquired park has a minimum level of public access as soon as possible.

**Section 7. Conservation And Recreation Management Goals For The Acquired Open Space Lands.**

7.01. *Open Space.* The Open Space Lands acquired with Bond proceeds will be managed primarily to optimize water recharge quality and quantity, air quality and environmental benefits of the property. Any remaining native vegetative community on the acquired property or any of its components shall be maintained to the greatest extent possible.

- a. Restore, preserve, or enhance the integrity of the components and functions of the native vegetative communities present on the property; or
- b. Restore, preserve, and stabilize the integrity of the components and functions of the wildlife populations present on the property or favor the reintroduction of wildlife populations which have been displaced from the property by direct or indirect human disturbances; or
- c. Protect existing endangered, threatened, or rare species or species of special concern as listed by the Florida Department of Agriculture and Consumer Service, the United States Fish and Wildlife Service, and the Florida Fish and Wildlife Conservation Commission; or
- d. Enhance water storage, infiltration, quality, and groundwater recharge by limiting runoff and protecting and enhancing the natural soil functions; or
- e. Enhance air quality by favoring a larger and thicker vegetative canopy; or
- f. Provide public access consistent and compatible with this section; or
- g. The water bodies existing or created on acquired lands shall be maintained or improved to enhance water quality, enhance fish and wildlife habitat, and serve as an integral part of the property development with due consideration for the safety of park visitors; or
- h. Conservation easements on agricultural lands acquired through the purchase of development rights program shall be maintained by the land owners as active agricultural land subject to the conditions of the

conservation easement placed on the property. The Town shall have first right of refusal to purchase the remainder of the fee simple rights. Agricultural Lands acquired in fee simple by the Town may be maintained in agricultural use or as open space and developed for passive recreational purposes.

**Section 8.** Establishment of Preferences For The Expenditure of Bond Funds For The Protection of the Quality of Water Bodies, Preservation and Improvement of Wildlife Habitat and Parks, Completion of the Recreational Trails System, and Protection of Natural Lands From Development.

8.01 Resolution No. 288 adopted by the Council on November 16, 2005 provides that of the proposed twenty-five million dollars (\$25,000,000.00) in Bond funds, an even distribution of bond monies shall occur among the four councilmember districts to the extent practicable. With due concern for the relative availability of vacant lands within the different districts, and the need to improve existing and acquired parks, the Council proposes the following levels of funds to meet the goals of the Bond referendum:

- a. Approximately eighteen million dollars (\$18,000,000.00) shall be appropriated for the preservation and improvement of parks through land acquisition and park improvements. Twenty percent (20%) of the land costs shall be allocated to provide public access and amenities for each acquired property. Expenditures of funds may include but are not limited to:
  - Acquisition of open space properties;
  - Development of amenities on existing and newly acquired properties consistent with their intended use and the intent of the bond.
- b. Approximately three million dollars (\$3,000,000.00) shall be appropriated for the completion of the recreational trails system. Twenty percent (20%) of the land costs shall be allocated to provide public access and trailside amenities for each acquired property. Expenditures of funds may include but are not limited to:
  - Acquisition of linear corridors by fee-simple and less-than-fee-simple means to complete the recreation and equestrian trail system;
  - Development of amenities for trail system.
- c. Approximately two million dollars (\$2,000,000.00) shall be appropriated for the preservation and improvement of wildlife habitat which may include but is not limited to:
  - Acquisition of buffers around bird roosting or nesting areas to protect from development;

- Removing invasive exotic vegetation from natural lands and replanting with suitable native vegetation for wildlife food and cover.
- d. Approximately two million dollars (\$2,000,000.00) shall be appropriated for the protection of natural areas from development. Expenditures of funds may include but are not limited to:
  - Acquisition of natural lands;
  - Development of passive recreational facilities;
  - Ecological restoration of existing or newly acquired natural lands.
- e. The protection of the quality of the water bodies by acquisition is not proposed to be funded separately as this component of the referendum goals may be achieved through the activities in sub-sections a. through d. above or any other improvements deemed necessary.

8.02 The purchase price of lands (\$500,000 and more) acquired with bond proceeds shall not exceed the average value of the appraisals without a super majority vote of the full Council.

8.03 To the extent that the total allocated Bond proceeds are not completely expended for each of the four funding categories referenced above (8.01 a – d), for any reason whatsoever, the Council establishes a non-binding preference to utilize such unexpended Bond funds first for the preservation of open space and improvement of parks; second for the completion of the recreational trail system; third for the preservation and improvement of wildlife habitat; and fourth for the protection of natural areas.

8.04 All lands purchased through the bond program must have one public hearing before the Town Council following due diligence and prior to contract approval.

#### **Section 9. Effective Date**

This Resolution shall become effective upon its adoption.

ADOPTED this \_\_\_\_\_, 2006.

APPENDIX A: OPEN SPACE ACQUISITION MATRIX			
0-3 POINT SCALE			
GEOGRAPHICAL (DEMOGRAPHICAL) - 6			
1. CONNECTOR BETWEEN EXISTING PARK, OPEN SPACE, TRAILS AND GREENWAYS	3		3, 4
2. PROPERTIES BEYOND .5 MILE RADIUS FROM EXISTING PARK OR OPEN SPACE	3		4
3. PROPERTIES WITH A SCENIC VISTA	2		2
4. PROPERTIES ADJACENT TO OTHER OPEN SPACE, PARKS, SCHOOLS, TRAILS, AND GREENWAYS	2		2, 3, 4
5. PROPERTIES THAT CAN SERVE AS A TRAILHEAD FOR EXISTING OR PROPOSED TRAIL SYSTEM	2		2, 3, 4
FINANCIAL - 4			
6. PROPERTIES WITH A WILLING SELLER	3		
7. PROPERTIES WHICH MAY QUALIFY FOR MATCHING MONIES	3		
8. AGRICULTURAL SITES AVAILABLE FOR PDR	3		2
9. EXISTING DEVELOPMENT DEMAND FOR SITE	1		
PHYSICAL - 8			
10. PROPERTIES WITH A WILDLIFE HABITAT AND/OR CORRIDOR	3		2
11. PROPERTIES CONTAINING OR ABUTTING A SIGNIFICANT WATER BODY OR SIGNIFICANT WETLANDS	3		1, 2
12. PROPERTIES THAT PROVIDE NATURAL DRAINAGE, FLOOD STORAGE, EROSION CONTROL AND/OR WATER RECHARGE	3		1, 2
13. PROPERTIES CONTAINING A SIGNIFICANT NATIVE VEGETATIVE COMMUNITY OR A DIVERSITY OF VEGETATIVE COMMUNITIES; RARE NATIVE OR HISTORICAL PLANT SPECIES	3		2
14. PROPERTIES EXISTING CONDITION IS PRISTINE	3		2
15. PROPERTIES ARE 10 ACRES OR LARGER IN SIZE	2		1, 2, 4
16. PROPERTIES WITH HISTORICAL/ARCHAEOLOGICAL/GEOLOGICAL SITES/EDUCATIONAL OPPORTUNITIES	2		2, 4
17. PROPERTIES WITHIN A WELL FIELD ZONE	1		1, 4
<b>TOTAL SCORE</b>	<b>42</b>		
GOALS			
1. PROTECTS THE QUALITY OF WATER BODIES			
2. PRESERVES AND PROTECTS NATURAL AREAS AND WILDLIFE HABITAT FROM DEVELOPMENT			
3. COMPLETES THE RECREATIONAL TRAIL			
4. PRESERVES AND IMPROVES PARKS			